

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Guild Associates, Inc.,	:	
Plaintiff,	:	Case No. 2:13-cv-1041
v.	:	JUDGE MICHAEL H. WATSON
Bio-Energy (Washington) LLC,	:	Magistrate Judge Kemp
Defendant.	:	

ORDER

Guild has filed a motion for leave to file under seal the appendix to its motion for partial summary judgment. In support of its motion, Guild explains that the appendix contains materials designated as confidential by Bio-Energy and that filing under seal is contemplated by the second amended protective order. Bio-Energy has not filed a response.

The Court, relying on Shane Group, Inc. v. Blue Cross Blue Shield of Michigan, 825 F.3d 299 (6th Cir. 2016), explained in its most recent order in this case that a confidentiality designation, by itself, does not provide justification for filing under seal. Guild has not provided any detailed analysis of the documents accompanied by an explanation as to why their public filing would be injurious to the party claiming confidentiality. Nor has it explained how its request is narrowly tailored to address this reason. Absent such information, the Court is without any record from which to conclude that the requirements for sealing have been met here. Granting Guild's motion as filed would require the Court simply to accept the parties' designations of confidentiality at face value. The Court of Appeals clearly has instructed otherwise. For these reasons, the motion for leave to file under seal (Doc. 270) is denied.

MOTION FOR RECONSIDERATION

Any party may, within fourteen days after this Order is filed, file and serve on the opposing party a motion for reconsideration by a District Judge. 28 U.S.C. §636(b)(1)(A), Rule 72(a), Fed. R. Civ. P.; Eastern Division Order No. 14-01, pt. IV(C)(3)(a). The motion must specifically designate the order or part in question and the basis for any objection. Responses to objections are due fourteen days after objections are filed and replies by the objecting party are due seven days thereafter. The District Judge, upon consideration of the motion, shall set aside any part of this Order found to be clearly erroneous or contrary to law.

This order is in full force and effect even if a motion for reconsideration has been filed unless it is stayed by either the Magistrate Judge or District Judge. S.D. Ohio L.R. 72.3.

/s/ Terence P. Kemp  
United States Magistrate Judge